

Remarks

This is responsive to the Office Action mailed May 17, 2005. The amendments are proper, do not introduce new matter, are not narrowing of claim scope in view of a rejection over a cited reference, and place the application in proper condition for allowance of all pending claims.

Objection to Title

The title has been amended to more particularly describe the results associated with the present embodiments of isolating the actuator from vibration, thereby obviating the objection. Reconsideration and withdrawal of the present objection are respectfully requested.

Rejection for Double Patenting

Claims 10-21 were rejected under a judicial doctrine of double patenting over the parent patent. The Applicant is grateful to Examiner Heinz for discussing this rejection with Applicant's representative M. McCarthy on August 12, 2005. As a result of that discussion, Applicant has filed herewith a terminal disclaimer in accordance with 37 C.F.R. 1.321(c), which the Examiner agreed would obviate this rejection. Reconsideration and withdrawal of the present rejection in view of the terminal disclaimer are respectfully requested.

Rejection Under 35 U.S.C. 102(b)

Claims 10-12 were rejected as being anticipated by Sanada '315. This rejection is respectfully traversed.

Claim 10

Sanada '315 cannot sustain an anticipatory rejection of claim 10 because it fails to disclose the recited *means for rotating*. The Applicant has identified the function associated with the recited "means" element as supporting the actuator arms for movement so as to isolate them from vibration created by other components of the track writer.

The Examiner is obliged as a matter of law to construe this means element in accordance with 35 USC 112 para. 6 as the corresponding disclosed structure and equivalents thereof that are capable of the identical function. *In re Donaldson Co. Inc.*, 26 USPQ2d 1845 (Fed. Cir. 1994)(*en banc*); *In re Dossel*, 42 USPQ2d 1881 (Fed. Cir. 1997); *Supplemental Examination Guidelines for Determining the Applicability of 35 U.S.C. 112, Para. 6*, 65 FR 38510. Failure to do so constitutes reversible error.

The disclosed structure performing this function provides a sealed cavity between the stationary outer race 190 and the spindle 188 affording a statically pressurized bearing. Sanada '315 is constructed in a completely different way. In Sanada '315, the cavity between the cylindrical sleeve 3 and the holder arm 1 is unsealed; the sleeve 3 is rotated at high speed by motor 4A around the shaft 2 in order to provide a dynamically pressurized bearing. Thus, the structure of Sanada '315 yields a different result because it inherently suffers from precisely the vibrations that are eliminated by the claimed embodiments. That is, the high-speed rotation of the sleeve 3 upon ball bearings 5 and perturbations created by the grooves (FIG. 3) impart vibrations to the holder arm 1 that are eliminated by the embodiments of the present invention as claimed.

Sanada '315 is wholly silent regarding any structure providing a statically pressurized gas bearing. When this means element is properly construed, it is clear that Sanada '315 and

the other art of record, taken as a whole, fail to disclose this element. Accordingly, reconsideration and withdrawal of the rejection of claim 10 and the claims depending therefrom are respectfully requested.

New Claims

New claim 22 more particularly points out and distinctly claims the patentable subject matter of the present embodiments in terms of the novel *statically pressurized fluid bearing*, as discussed above in detail regarding claim 10. New claims 23-25 are allowable as depending from claim 22 and providing additional limitations thereto.

Art Cited But Not Relied On

In addition to the foregoing, the Applicant has reviewed all the references of record and believes that the present embodiments as claimed are patentable over all the references.

Conclusion

This is a complete response to the Office Action mailed May 17, 2005. The Applicant respectfully requests that the Examiner enter the above amendments, reconsider the application and allow all of the pending claims. The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response.

Respectfully submitted,

By: 

Mitchell K. McCarthy, Registration No. 38,794
Randall K. McCarthy, Registration No. 39,297
Fellers, Snider, Blankenship, Bailey and Tippens
100 N. Broadway, Suite 1700
Oklahoma City, Oklahoma 73102
Telephone: (405) 232-0621
Facsimile: (405) 232-9659
Customer No. 33900